



Monday
November 9, 1998

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 2885]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of State.

ACTION: Semiannual regulatory agenda.

SUMMARY: Consistent with the Regulatory Flexibility Act of 1980, 5 U.S.C. 602, and OMB guidance to the Department of State pursuant to Executive Order 12866, the October 1998 agenda of the Department of State is set forth below. The purpose of this publication is to provide information to the public on the Department's regulatory plans. Consistent with OMB guidance, this agenda includes active continuing items from prior agendas.

FOR FURTHER INFORMATION CONTACT: D. Stephen Mathias, Assistant Legal Adviser for Legislation and General Management, Department of State, Room 5425, 2201 C Street NW., Washington, DC 20520-6310; telephone (202) 647-5154.

Dated: September 18, 1998.

Bonnie Cohen,

Under Secretary of State for Management.

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

2254. FOREIGN PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1288(d)

CFR Citation: 22 CFR 89 (Revision)

Legal Deadline: Final, Statutory, December 31, 1998.

Legal deadline reflects the statutory requirement that the list be updated on an annual basis.

Abstract: The above-mentioned statute requires the Secretary of State to compile, and update annually through Notice-and-Comment rulemaking procedures, a list, by particular longshore activity, of countries where performance of such activity is prohibited by law, regulation, or in practice in the country concerned. According to the statute cited above, the Attorney General will use this list for enforcing restrictions on work performed by crewmembers of vessels from such countries. Compilation of the list itself does not involve any significant costs and is based upon

information being provided to the Department of State by U.S. diplomatic missions overseas as well as by the public. Questions regarding the policy justification for the list and its use are best directed to the Departments of Labor, Transportation, and Justice.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/91	56 FR 24338
Final Rule	12/27/91	56 FR 66970
Final Rule Effective	01/01/92	
Final Rule Correction	01/04/92	57 FR 1384

Updated List of Countries

NPRM 11/04/92 (57 FR 52600)
 NPRM Comment Period End 12/04/92
 Final Rule 12/13/93 (58 FR 65118)
 Final Rule Effective 12/13/93
 NPRM 03/24/94 (59 FR 13904)
 NPRM Comment Period End 04/25/94
 NPRM 11/24/95 (60 FR 58026)
 NPRM Comment Period End 12/26/95
 NPRM Comment Period Extended to 01/26/96 (60 FR 65609)
 NPRM Comment Period Extended to 02/02/96 (61 FR 2915)
 NPRM 06/06/96 (61 FR 29115)
 Final Rule 06/13/96 (61 FR 29941)
 Notice of Rulemaking 11/00/98
 Final Rule 12/00/98

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: In accordance with the mandate to maintain annually the list of countries, the Department will issue Final Rules to amend the list as appropriate.

Agency Contact: Stephen Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State, 2201 C Street NW., Washington, DC 20520-5816

Phone: 202 647-6961

RIN: 1400-AA34

DEPARTMENT OF STATE (STATE)

Final Rule Stage

2255. TRANSIT WITHOUT VISA (TWOV)

Priority: Substantive, Nonsignificant

Legal Authority: Section 212(d)(4)(C) of the Immigration & Nationality Act (INA)

CFR Citation: 22 CFR 41.2(i)

Legal Deadline: None

Abstract: Under the provision of section 212(d)(4)(C), the Secretary of State and the Attorney General acting jointly have the authority to waive nonimmigrant visa requirements for aliens in continuous and direct transit through the United States. Yugoslavia was removed from the list of countries participating in this program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/16/93	58 FR 43438
Interim Final Rule Comment Period End	09/15/93	
Final Action	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

STATE

Final Rule Stage

Agency Contact: Stephen K. Fischel, Office Director, Legislation and Regulation and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
Phone: 202 663-1204
Fax: 202 663-3898

RIN: 1400-AA48

2256. VISA WAIVER PILOT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-603, sec 313; PL 101-649, sec 201; PL 102-232, sec 303

CFR Citation: 22 CFR 41.2(l)

Legal Deadline: None

Abstract: Section 313 of PL 99-603 amended the Immigration and Nationality Act by adding section 217 which established the nonimmigrant Visa Waiver Pilot Program (VWPP). This program waives the nonimmigrant visa requirements, to facilitate the admission of certain nonimmigrant alien visitors under the VWPP. Section 217, as amended by PL 101-649 and PL 102-232, revises from time to time the list of countries designated by the Secretary of State and the Attorney General, acting jointly, to participate in the Visa Waiver Pilot Program. Brunei, Argentina, Australia, Ireland, and Slovenia have been added to the list. Probationary status has been eliminated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/93	58 FR 40585
Final Action	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Office Director, Legislation and Regulation and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
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RIN: 1400-AA49

2257. B-1 VISA CLASSIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-649, Immigration Act of 1990

CFR Citation: 22 CFR 41.31

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: B Visa Regulation revisions, which incorporate 9FAM notes and INS OI, reflect changes in interpretation of B Visa classes resulting from enactment of Immigration and Naturalization Act of 1990 and MATINA.

Timetable:

Action	Date	FR Cite
NPRM	07/26/93	58 FR 40024
NPRM Comment Period Extended to 11/23/93	09/23/93	58 FR 49456
NPRM Comment Period End	09/24/93	
NPRM Comment Period Extended to 12/06/93	11/23/93	58 FR 61856
Final Action	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Office Director, Legislation and Regulation and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
Phone: 202 663-1204
Fax: 202 663-3898

RIN: 1400-AA54

2258. REVISION OF U.S. MUNITIONS LIST

Priority: Routine and Frequent

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 121.1; 22 CFR 121.16

Legal Deadline: None

Abstract: Review and revision as appropriate of USML on compliance with AECA.

Timetable:

Action	Date	FR Cite
Final Action	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Philip Rhoads, Chief, Compliance and Enforcement Branch,

Department of State, Room 200, SA-6, Washington, DC 20522-0602
Phone: 703 875-6650
Fax: 703 875-5663

RIN: 1400-AA64

2259. IMMIGRATION AND NATURALIZATION ACT: GROUNDS OF INELIGIBILITY, 212(G) WAIVER

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104; PL 104-208, sec 341(b); PL 104-208, sec 345(a)(i); PL 104-208, sec 346; PL 104-208, sec 301(6)

CFR Citation: 22 CFR 40.11; 22 CFR 40.66; 22 CFR 40.67; 22 CFR 40.91; 22 CFR 40.92; 22 CFR 40.93; 22 CFR 40.104; 22 CFR 40.105

Legal Deadline: None

Abstract: This regulation provides new grounds of visa ineligibility. This regulation also provides for a waiver of 212(a)(1)(A)(ii) inadmissibility.

This regulation now incorporates RIN 1400-AA80, Inadmissible Grounds: Alien Subject to Civil Penalties, RIN 1400-AA81, Inadmissible Grounds: Student Visa Abusers, and RIN 1400-AA82, Grounds of Inadmissibility: Aliens Removed and Unlawfully Present.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/97	62 FR 67564
ANPRM Comment Period End	02/27/98	
Final Action	12/00/98	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Office Director, Legislation and Regulation and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
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RIN: 1400-AA78

2260. INADMISSIBLE GROUNDS: PUBLIC CHARGE

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-208, sec 551; 8 USC 1104

CFR Citation: 22 CFR 40.41

Legal Deadline: None

STATE

Final Rule Stage

Abstract: This rule incorporates provisions making petitioning sponsor contractually responsible.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/97	62 FR 67563
ANPRM Comment Period End	02/27/98	
Final Action	12/00/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Office Director, Legislation and Regulation and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
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RIN: 1400-AA79

2261. DOCUMENTATION OF NONIMMIGRANTS: BORDER CROSSING IDENTIFICATION CARDS

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-208, sec 104

CFR Citation: 22 CFR 41.2(a); 22 CFR 41.32; 22 CFR 41.122

Legal Deadline: None

Abstract: This regulation implements sec. 104 of PL 104-208 which requires the inclusion of a machine-readable identifier in Border Crossing cards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/07/98	63 FR 16892
Final Action	10/00/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: H. Edward Odom, Chief, Regulation and Legislation Division, Visa Office, Department of State, 2401 E Street NW., SA-1, Washington, DC 20520-0113
Phone: 202 663-1204

RIN: 1400-AA90

2262. • ADDITION OF "S" NONIMMIGRANT VISA CLASSIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41.83

Legal Deadline: None

Abstract: Implements sec. 130003 of Pub. L. 103-322 by adding a new nonimmigrant visa classification (S) under INA 101(a)(15)(S). This visa classification provides for the admission of certain alien witnesses and informants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/96	61 FR 1837
Interim Final Rule Comment Period End	03/25/96	
Final Action	12/00/98	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: H. Edward Odom, Chief, Regulation and Legislation Division, Visa Office, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0106
Phone: 202 663-1204
Fax: 202 663-3898

RIN: 1400-AA91

2263. • WAIVER OF VISA FEES FOR ALIENS COMING TO ENGAGE IN CHARITABLE ACTIVITIES

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41.107

Legal Deadline: None

Abstract: Authorization to waive or reduce the application fee for aliens coming to the United States temporarily to engage in charitable activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/01/98	63 FR 24107
Final Action	10/00/98	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Edward Odom, Chief, Regulation and Legislation Division, Visa Office, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0106
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RIN: 1400-AA92

2264. • ENTITLEMENT TO IR STATUS FOR SPOUSE (AND CHILD OF SPOUSE) OF DECEASED U.S. CITIZEN AND FOR SELF-PETITIONING SPOUSE/CHILD OF ABUSIVE U.S. CITIZEN

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 42.21

Legal Deadline: None

Abstract: Entitlement to IR status for spouse of deceased U.S. citizen (and the child of the spouse) and for the self-petitioned spouse/child of an abusive U.S. citizen.

Timetable:

Action	Date	FR Cite
Final Action	12/00/98	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Edward Odom, Chief, Regulation and Legislation Division, Visa Office, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0106
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RIN: 1400-AA93

2265. • PHOTOGRAPHS FOR NONIMMIGRANT VISA APPLICANTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41.105

Legal Deadline: None

Abstract: Requirements for headcoverings for alien's photographs for nonimmigrant visas.

Timetable:

Action	Date	FR Cite
Final Action	12/00/98	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Edward Odom, Chief, Regulation and Legislation Division, Visa Office, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0106
Phone: 202 663-1204
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RIN: 1400-AA94

STATE

Final Rule Stage

2266. • INTERNATIONAL TRAFFIC IN ARMS REGULATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 2278**CFR Citation:** 22 CFR 126.5, "Canadian exemptions"**Legal Deadline:** None

Abstract: Change will require prior written approval from Office of Defense Trade Controls for defense trade transactions which do not involve exports for the Canadian government or certain temporary exports to U.S. facilities in Canada. Expect to publish the final rule change in August 1999.

Timetable:

Action	Date	FR Cite
Final Action	08/00/99	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Rose Biancaniello, Deputy Director, Office of Defense Trade Controls, Department of State, Room 200, SA-6, PM-DTC, Washington, DC 20522-0602

Phone: 703 812-2568

Fax: 703 875-6647

RIN: 1400-AA95**2267. • AUTHORITY TO ISSUE VISAS: ISSUANCE OF O&P VISAS IN THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1104**CFR Citation:** 22 CFR 41.111**Legal Deadline:** None

Abstract: Authorizes officers in the visa office of the Department of State to revalidate O&P visas in the United States.

Timetable:

Action	Date	FR Cite
Final Action	12/00/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: H. Edward Odom, Chief, Regulation and Legislation Division, Visa Office, Department of State, 2401 E Street NW., Washington, DC 20522-0106

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RIN: 1400-AA96

DEPARTMENT OF STATE (STATE)

Long-Term Actions

2268. ESTABLISHING OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS**Priority:** Substantive, Nonsignificant**Legal Authority:** International Legal Material, vol XII, no. 6, Nov. 1973, p 1302**CFR Citation:** 22 CFR 92.81(b)(3)**Legal Deadline:** None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the 1973 convention on the forms of international wills, there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the convention to the Senate on July 2, 1986, with the recommendation that the Senate give its advice and consent to U.S. ratification of the convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29). The Senate gave advice and consent on August 2, 1991. Implementing legislation (the International Wills Act) is required before the United States can take further action to ratify the convention.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** None

Additional Information: U.S. ratification of the 1973 convention providing a uniform law on the form of an international will provides the basis for establishment of the registry.

Agency Contact: Edward A. Betancourt, Director, Office of Policy Review and Interagency Liaison, Department of State, Bureau of Consular Affairs, 2201 C Street NW., Washington, DC 20520-5816

Phone: 202 647-3666

Fax: 202 647-0103

RIN: 1400-AA56**2269. REVISION TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 93-400; PL 96-83**CFR Citation:** 48 CFR 6**Legal Deadline:** None

Abstract: The Department is revising the DOSAR to comply with changes to the procurement system as a result of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform

Act. The Department also plans to make several administrative changes and technical corrections.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Gladys Gines, Procurement Analyst, Department of State, Office of the Procurement Executive, Room 603, SA-6, Washington, DC 20520-0602

Phone: 703 516-1691

Fax: 703 875-6155

Email: gladys.g.gines@dos.us-state.gov

RIN: 1400-AA71**2270. ADDITION OF COUNTRIES ELIGIBLE TO PARTICIPATE IN THE VISA WAIVER PILOT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1104**CFR Citation:** 22 CFR 41.2(l)**Legal Deadline:** None

STATE

Long-Term Actions

Abstract: Addition of countries eligible to participate in the Visa Waiver Pilot Program.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen K. Fischel, Office Director, Legislation and Regulation and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113
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RIN: 1400-AA75

2271. HAGUE INTERCOUNTRY ADOPTION CONVENTION IMPLEMENTATION

Priority: Other Significant

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulations will implement the Hague Convention on protection of children and cooperation in respect of intercountry adoption and the Hague intercountry adoption convention and legislation will be sent to the Senate and Congress sometime during the next Congressional session. Health and Human Services and the Immigration and Naturalization Service will also

write regulations regarding this convention and legislation.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Edward A. Betancourt, Director, Office of Policy Review and Interagency Liaison, Department of State, Bureau of Consular Affairs, 2201 C Street NW., Washington, DC 20520-5816
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Fax: 202 647-0103

RIN: 1400-AA88

DEPARTMENT OF STATE (STATE)

Completed Actions

2272. NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 41.51; 22 CFR 41.52; 22 CFR 41.59 (New)

Completed:

Reason	Date	FR Cite
Final Action	03/03/98	63 FR 10304

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: H. Edward Odom
Phone: 202 663-1204

RIN: 1400-AA51

CFR Citation: 22 CFR 2a; 22 CFR 2; 22 CFR 4; 22 CFR 9b; 22 CFR 10; 22 CFR 31; 22 CFR 33; 22 CFR 111; 22 CFR 112; 22 CFR 133; 22 CFR 171; 22 CFR 181

Completed:

Reason	Date	FR Cite
Interim Final Rule	10/02/97	62 FR 48757

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: D. Stephen Mathias
Phone: 202 647-5154
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RIN: 1400-AA67

Government Levels Affected: None

Agency Contact: Sharon E. Palmer-Royston
Phone: 202 955-0222
Fax: 202 955-0230

RIN: 1400-AA77

2275. DOCUMENTATION OF NONIMMIGRANTS: PLACE OF APPLICATION

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 40.68; 22 CFR 41.101; 22 CFR 41.121

Completed:

Reason	Date	FR Cite
Final Action	07/06/98	63 FR 36365

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: H. Edward Odom
Phone: 202 663-1204

RIN: 1400-AA89

[FR Doc. 98-26714 Filed 11-06-98; 8:45 am]

BILLING CODE 4710-08-F

2273. MISCELLANEOUS REGULATIONS BEING ELIMINATED OR REINVENTED AS PART OF REGULATORY REINVENTION INITIATIVE

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

2274. DENIAL OF PASSPORTS FOR NONPAYMENT OF CHILD SUPPORT

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 51.70; 22 CFR 51.75; 22 CFR 51.80 to 51.89

Completed:

Reason	Date	FR Cite
Interim Final Rule	11/25/97	62 FR 62694

Regulatory Flexibility Analysis Required: No